

CENTER FOR DISABILITY ACCESS  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**Andres Gomez,**

Plaintiff,

v.

**Joseph Kirkwood Reid Jr. Dba**  
Reid Family Vineyards;

**Karen Ovidia Reid Dba Reid Family**  
Vineyards;

Defendants.

**Case No.**

**Complaint for Damages and  
Injunctive Relief for Violations  
of: American's With Disabilities  
Act; Unruh Civil Rights Act**

**NOT RELATING TO A  
CONSTRUCTION-RELATED  
BARRIER AS DEFINED IN CAL.  
CIV. CODE § 55.3**

Plaintiff Andres Gomez ("Plaintiff") complains of Joseph Kirkwood Reid Jr. Dba Reid Family Vineyards; Karen Ovidia Reid Dba Reid Family Vineyards ("Defendants"), and alleges as follows:

**PARTIES:**

1. Plaintiff is a visually-impaired individual and a member of a protected class of persons under the Americans with Disabilities Act. Plaintiff Talkback

1 or similar software to navigate websites and applications on electronic devices.  
2 Plaintiff is legally blind<sup>1</sup> and cannot use an electronic device without  
3 assistance of screen-reader software (“SRS”)

4 2. Defendant Joseph Kirkwood Reid Jr. (“Reid Family Vineyards”), owned  
5 or operated Reid Family Vineyards located in Napa County, California, in  
6 March 2021 and August 2021.

7 3. Defendant Karen Ovidia Reid (“Reid Family Vineyards”), owned or  
8 operated Reid Family Vineyards located in Napa County, California, in March  
9 2021 and August 2021.

10 4. Defendant Joseph Kirkwood Reid Jr. owns or operates Reid Family  
11 Vineyards located in Napa County, California, currently.

12 5. Defendant Karen Ovidia Reid owns or operates Reid Family Vineyards  
13 located in Napa County, California, currently.

14 6. Defendant Joseph Kirkwood Reid Jr. owned or operated the Reid Family  
15 Vineyards website, with a root domain of: <https://reidfamilyvineyards.com/>  
16 and all related domains, sub-domains and/or content contained within it,  
17 (“Website”) in March 2021 and August 2021.

18 7. Defendant Karen Ovidia Reid owned or operated the Reid Family  
19 Vineyards website, with a root domain of: <https://reidfamilyvineyards.com/>  
20 and all related domains, sub-domains and/or content contained within it,  
21 (“Website”) in March 2021 and August 2021.

22 8. Defendant Joseph Kirkwood Reid Jr. owns or operates the Reid Family  
23 Vineyards Website currently.

24 9. Defendant Karen Ovidia Reid owns or operates the Reid Family  
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26 <sup>1</sup> Plaintiff uses the terms “visually-impaired” or “blind” interchangeably to  
27 refer to individuals, including himself, who meet the legal definition of  
28 blindness. (visual acuity of 20/200 or worse.) Some individuals who meet  
these criteria have no vision, others have limited vision.

1 Vineyards Website currently.

2 10. Plaintiff does not know the true names of Defendants, their business  
3 capacities, their ownership connection to the property and business, or their  
4 relative responsibilities in causing the access violations herein complained of,  
5 and alleges a joint venture and common enterprise by all such Defendants.  
6 Plaintiff is informed and believes that each of the Defendants herein, is  
7 responsible in some capacity for the events herein alleged or is a necessary  
8 party for obtaining appropriate relief. Plaintiff will seek leave to amend when  
9 the true names, capacities, connections, and responsibilities of the Defendants  
10 are ascertained.

#### 11 12 **JURISDICTION & VENUE:**

13 11. The Court has subject matter jurisdiction over the action pursuant to 28  
14 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the Americans with  
15 Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. (“ADA”)

16 12. This court has supplemental jurisdiction over Plaintiff’s non-federal  
17 claims pursuant to 28 U.S.C. § 1367 because Plaintiff’s Unruh claims are  
18 formed from the same case and/or controversy and are related to Plaintiff’s  
19 ADA claims. A violation of the ADA is a violation of Unruh. (Cal. Code §51(f).

20 13. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b). Defendant  
21 is subject to personal jurisdiction in this District due to its business contacts  
22 with the District, and a substantial portion of the complained of conduct  
23 occurred in this District.

#### 24 25 **FACTUAL ALLEGATIONS:**

26 14. Plaintiff is a legally blind person and a member of a protected class  
27 under the ADA. Plaintiff is proficient with and uses SRS to access the internet  
28 and read internet content on electronic devices.

1 15. Plaintiff cannot use an electronic device without the assistance of  
2 screen reader software. (“SRS”).

3 16. Reid Family Vineyards operates privileges, goods or services out of a  
4 physical location in California. These services are open to the public, places of  
5 public accommodation, and business establishments.

6 17. The Website is a nexus between Reid Family Vineyards ’s customers,  
7 and the terrestrial based privileges, goods or services offered by Reid Family  
8 Vineyards

9 18. The Reid Family Vineyards offers websites and digital booking as some  
10 of the facilities, privileges, and advantages offered by Defendants to patrons  
11 of the Reid Family Vineyards in connection with their patronage at the Reid  
12 Family Vineyards

13 19. Among the services offered include: details about the wines and Reid  
14 Family Vineyards itself, location and contact information; Reid Family  
15 Vineyards policies; information about wine on sale, deals and promotions  
16 without any ambiguity as to the amenities that would be available to the  
17 patron.

18 20. Plaintiff was a prospective customer who wished to access Defendant’s  
19 goods and services of the Reid Family Vineyards.

20 21. Plaintiff visited the Website in March 2021 and August 2021 with the  
21 intent get information about wines sold at the vineyard and wine tasting tours.

22 22. When Plaintiff attempted to navigate the Website, Plaintiff encountered  
23 numerous accessibility design faults that prevented him from navigating the  
24 site successfully using SRS. Investigation into his experience revealed barriers,  
25 including, but not limited to:

26 a. Images on the website lack a text equivalent readable by  
27 SRS.

28 b. The visualization of the webpage contains impermissibly

1 low contrast enabling differentiation of background and  
2 foreground elements.

3 23. These inaccessible elements rendered the ostensibly “accessible”  
4 elements inaccessible as a result of difficulty and confusion navigating the  
5 numerous inaccessible elements.

6 24. Currently, the defendants either fail to provide an accessible website or  
7 Defendants have failed to maintain in working and useable conditions those  
8 website features required to provide ready access to persons with disabilities.

9 25. Despite multiple attempts to access the Website using Plaintiff’s  
10 electronic device, Plaintiff has been denied the full use and enjoyment of the  
11 facilities, goods and services offered by Defendants as a result of the  
12 accessibility barriers on the Website.

13 26. Plaintiff personally encountered accessibility barriers and has actual  
14 knowledge of them.

15 27. By failing to provide an accessible website, the defendants denied  
16 Plaintiff full and equal access to the facilities privileges or advantages offered  
17 to their customers.

18 28. Plaintiff has been deterred from returning to the Website as a result of  
19 these prior experiences.

20 29. The failure to provide accessible facilities created difficulty and  
21 discomfort for the Plaintiff.

22 30. If the website had been constructed equally accessible to all individuals,  
23 Plaintiff would have been able to navigate the Website and find information on  
24 wines on sale.

25 31. Additionally, Plaintiff is a tester in this litigation and seeks future  
26 compliance with all federal and state laws. Plaintiff will return to the Website  
27 to avail himself of its goods and/or services and to determine compliance with  
28 the disability access laws once it is represented to him that the Reid Family

1 Vineyards and Website are accessible.

2 32. Plaintiff is currently deterred from doing so because of Plaintiff's  
3 knowledge of the existing barriers and uncertainty about the existence of yet  
4 other barriers on the Website. If the barriers are not removed, Plaintiff will  
5 face unlawful and discriminatory barriers again.

6 33. The barriers identified above violate easily accessible, well-established  
7 industry standard guidelines for making websites accessible to people with  
8 visual-impairments that use SRS to access websites. Given the prevalence of  
9 websites that have implemented these standards and created accessible  
10 websites, it is readily achievable to construct an accessible website without  
11 undue burden on the Reid Family Vineyards or a fundamental alteration of the  
12 purpose of the Website.

13 34. Compliance with W3C Web Content Accessibility Guidelines  
14 ("WCAG") 2.0 AA standards are a viable remedy for these deficiencies and a  
15 standard that has been adopted by California courts for website accessibility.

16 35. It's been established that failure to remove these inaccessible conditions  
17 violates the ADA and California law and requiring compliance with industry  
18 access standards is a remedy available to the plaintiff.

19 36. The Website was intentionally designed, and based on information and  
20 belief, it is the Defendants' policy and practice to deny Plaintiff access to the  
21 Website, and as a result, denies the goods and services that are otherwise  
22 available to patrons of the Reid Family Vineyards

23 37. Due to the failure to construct and operate the website in line with  
24 industry standards, Plaintiff has been denied equal access to Defendant's  
25 vineyard and the various goods, services, privileges, opportunities and  
26 benefits offered to the public by the Reid Family Vineyards

27 38. Given the nature of the barriers and violations alleged herein, the  
28 plaintiff alleges, on information and belief, that there are other violations and

1 barriers on the website, and/or at the Reid Family Vineyards , that relate to his  
2 disability. In addition to the barriers he personally encountered, Plaintiff  
3 intends to seek removal of all barriers on the Website that relate to his  
4 disability. See *Doran v. 7-Eleven* (9th Cir. 2008) 524 F.3d 1034 (holding that  
5 once a plaintiff encounters one barrier, they can sue to have all barriers that  
6 relate to their disability removed regardless of whether they personally  
7 encountered the barrier).

8 39. Plaintiff will amend the complaint, to provide further notice regarding  
9 the scope of the additional demanded remediation in the event additional  
10 barriers are uncovered through discovery. However, please be on notice that  
11 the plaintiff seeks to have all barriers related to his disability remedied.

12  
13 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS**  
14 **WITH DISABILITIES ACT OF 1990** (On behalf of Plaintiff and against all  
15 Defendants.) (42 U.S.C. section 12101, et seq.)

16 40. Plaintiff re-pleads and incorporates by reference, as if fully set forth  
17 again herein, the allegations contained in all prior paragraphs of this  
18 complaint. The Reid Family Vineyards is a public accommodation with the  
19 definition of Title III of the ADA, 42 USC § 12181.

20 41. The website provided by the Defendant is a service, privilege or  
21 advantage and extension of Reid Family Vineyards physical presence and  
22 terrestrial services.

23 42. When a business provides services such as a website, it must provide an  
24 accessible website.

25 43. Here, an accessible website has not been provided. A failure to provide  
26 an accessible website is unlawful discrimination against persons with  
27 disabilities.

28 44. Under the ADA, it is an act of discrimination to fail to ensure that the

1 privileges, advantages, accommodations, facilities, goods and services of any  
2 place of public accommodation is offered on a full and equal basis by anyone  
3 who owns, leases, or operates a place of public accommodation. *See*: 42 U.S.C.  
4 § 12182(a). Discrimination is defined, inter alia, as follows: “A failure to make  
5 reasonable modifications in policies, practices, or procedures, when such  
6 modifications are necessary to afford goods, services, facilities, privileges,  
7 advantages, or accommodations to individuals with disabilities, unless the  
8 accommodation would work a fundamental alteration of those services and  
9 facilities. 42 U.S.C. § 12182(b)(2)(A)(ii).”

10 45. Here, the failure to ensure that the accessible facilities were available  
11 and ready to be used by the plaintiff is a violation of the law.

12 46. Pursuant to 42 U.S.C. § 12188 and the remedies, procedures and rights  
13 set forth and incorporated therein, Plaintiff requests relief as set forth below.  
14

15 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**  
16 **RIGHTS ACT** (On behalf of Plaintiff and against all Defendants.) (Cal. Civ.  
17 Code § 51-53.)

18 47. Plaintiff repleads and incorporates by reference, as if fully set forth  
19 again herein, the allegations contained in all prior paragraphs of this  
20 complaint. The Unruh Civil Rights Act (“Unruh Act”) guarantees, inter alia,  
21 that persons with disabilities are entitled to full and equal accommodations,  
22 advantages, facilities, privileges, or services in all business establishment of  
23 every kind whatsoever within the jurisdiction of the State of California. Cal.  
24 Civ. Code §51(b).

25 48. The Unruh Act provides that a violation of the ADA is a violation of the  
26 Unruh Act. *Cal. Civ. Code* § 51(f).

27 49. Defendants’ acts and omissions, as herein alleged, have violated the  
28 Unruh Act by, inter alia, denying, or aiding, or inciting the denial of, Plaintiff’s



1 rights to full and equal use of the accommodations, advantages, facilities,  
2 privileges, or services offered.

3 50. Because the violation of the Unruh Civil Rights Act resulted in difficulty,  
4 discomfort or embarrassment for the plaintiff, the defendants are also each  
5 responsible for statutory damages, i.e., a civil penalty. *Cal. Civ. Code* §  
6 55.56(a)-(c).

7 51. Pursuant to 42 U.S.C. § 12188 and the remedies, procedures and rights  
8 set forth and incorporated therein, Plaintiff requests relief as set forth below.

9  
10 **PRAYER:**

11 Wherefore, Plaintiff prays that this Court award damages and provide  
12 relief as follows:

13 1. A Declaratory Judgment that at the commencement of this action  
14 Defendants were in violation of the requirements of the ADA due to  
15 Defendants' failures to take action to ensure that its Website was fully  
16 accessible to and independently usable by blind and visually-impaired  
17 individuals.

18 2. For equitable nominal damages for violation of civil rights. See  
19 *Uzuegbunam v. Preczewski*, 141 S.Ct. 792 (2021) and any other equitable  
20 relief the Court finds appropriate.

21 3. Pursuant to 42 U.S.C § 12181, a preliminary and permanent injunction  
22 enjoining Defendants from violating the ADA with respect to its Website.

23 4. Damages under the Unruh Civil Rights Act § 51<sup>2</sup>, which provides for  
24 actual damages and a statutory minimum of \$4,000 for each offense.

25  
26 \_\_\_\_\_  
27 <sup>2</sup> Note: the plaintiff is not invoking section 55 of the California Civil Code and  
28 is not seeking injunctive relief under the Disabled Persons Act at all.

1           5. Reasonable attorney fees, litigation expenses and costs of suit, pursuant  
2 to 42 U.S.C. § 12205; and *Cal. Civ. Code* § 52.

3  
4 Dated: February 1, 2022

CENTER FOR DISABILITY ACCESS

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6 

7 By: \_\_\_\_\_

8 Amanda Seabock, Esq.  
9 Attorney for Plaintiff